

I certify that the attached is a true and correct copy of HB 985, which was filed of record on FEB 13 1991

and referred to the committee on:

Urban Affairs

Betty Murray
Chief Clerk of the House

FILED FEB 13 1991

1991 MAR -4 AM 9:46

HOUSE OF REPRESENTATIVES

By

Stiles

H. B. 985

A BILL TO BE ENTITLED

AN ACT

relating to the municipal annexation of territory by general law municipalities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 43, Local Government Code, is amended by adding Section 43.033 to read as follows:

Sec. 43.033. AUTHORITY OF GENERAL LAW MUNICIPALITY TO ANNEX AREA. A general law municipality may annex adjacent territory without the consent of any of the residents or voters of the area and without the consent of any of the owners of land in the area provided that the following conditions are met:

(1) the municipality has a population of 1,000 or more and is not eligible to adopt a home-rule charter;

(2) the procedural rules prescribed by this chapter are met;

(3) the municipality must be providing the area with water and sewer service;

(4) the area does not include unoccupied territory in excess of one acre for each service address for water and sewer service; and

(5) the service plan requires that adequate police and fire protection must be provided to the area within 10 days after the effective date of the annexation.

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three

1 several days in each house be suspended, and this rule is
2 hereby suspended.

HOUSE COMMITTEE REPORT

91 MAY -1 PM 9:24

1st Printing

By Stiles

H.B. No. 985

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SECTION 2. The importance of this legislation and the

H.B. No. 985

1 crowded condition of the calendars in both houses create an
2 emergency and an imperative public necessity that the
3 constitutional rule requiring bills to be read on three several
4 days in each house be suspended, and this rule is hereby suspended.

H.B. No. 985

COMMITTEE AMENDMENT NO. 1

Amend H.B. 985 on page 1, line 22 by striking the word
"adequate" and on page 1, line 23 by adding the following between
the words "protection" and "must":
"at a level consistent with protection provided within the
municipality"

Gallegos

COMMITTEE REPORT

The Honorable Gib Lewis
Speaker of the House of Representatives

17 April 1991
(date)

Sir:
We, your COMMITTEE ON URBAN AFFAIRS,
to whom was referred H.B. 985 have had the same under consideration and beg to report
(measure)

back with the recommendation that it
() do pass, without amendment.
☒ do pass, with amendment(s).
() do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested. ☒ yes () no An author's fiscal statement was requested. () yes ☒ no

A criminal justice policy impact statement was requested. () yes ☒ no

An equalized educational funding impact statement was requested. () yes ☒ no

An actuarial analysis was requested. () yes ☒ no

A water development policy impact statement was requested. () yes ☒ no

A federal funds impact statement was requested. () yes ☒ no

☒ The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

This measure () proposes new law. ☒ amends existing law.

House Sponsor of Senate Measure _____

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Pierce, Ch.	<input checked="" type="checkbox"/>			
Conley, V.C.				<input checked="" type="checkbox"/>
Bailey	<input checked="" type="checkbox"/>			
Carona	<input checked="" type="checkbox"/>			
de la Garza	<input checked="" type="checkbox"/>			
Gallegos	<input checked="" type="checkbox"/>			
Park	<input checked="" type="checkbox"/>			
Puente	<input checked="" type="checkbox"/>			
Shea	<input checked="" type="checkbox"/>			
Yarbrough	<input checked="" type="checkbox"/>			
District 126				
Hamric	<input checked="" type="checkbox"/>			

Total 10 aye
 0 nay
 0 present, not voting
 1 absent

Gabe Pierce
CHAIRMAN
Deborah K. McCall
COMMITTEE COORDINATOR

COMMITTEE ON URBAN AFFAIRS

H.B. 985
By Stiles

BILL ANALYSIS

Background Information

Chapter 43 of the Local Government Code is entitled Municipal Annexation. Subchapter B is entitled General Authority to Annex. Subchapter B contains various provisions granting authority of general law of municipalities to annex property. Section 43.023 allows general law cities of more than 5,000 population not more than one mile in width upon petition of inhabitants and a public election. Section 43.024 allows "Type A" general law cities to annex property not more than one-half mile in width upon voter approval. Section 43.025 allows a "Type B" general law city to annex territory upon voter approval so long as the resulting boundaries of the city do not exceed the territorial limitations of the Local Government Code (varying from 2 square miles to 9 square miles, depending upon population). Section 43.026 allows a "Type A" general law city to annex municipally-owned property. Section 43.027 allows any general law city to annex navigable streams within the city's extraterritorial jurisdiction. Section 43.028 allows any municipality to annex sparsely populated territory that is less than one-half mile in width upon petition of the property owners. Section 43.029 allows small cities of specified populations to annex property that is vacant and without residents on which there is a public school, upon a petition by school trustees. Section 49.030 allows annexation by one municipality of another; cities of 70,000 to 90,000 population may annex municipalities of less than 600 upon voter approval.

Subchapter C of Chapter 43 contains the procedural rules for annexation. A city may annex property only within its extraterritorial jurisdiction. Two public hearings must be held, in addition to the placement of newspaper notices of the intent to annex. Annexation must be completed within 90 days. Any property annexed may generally not be less than 1,000 feet in width at its most narrow point. A city annually may not annex more than 10% of its incorporated area, although this may be carried over from year to year but not to exceed 30% of the area. A city must adopt a service plan which provides for the extension of full municipal services to any area to be annexed.

Purpose

House Bill 985 will give the authority to any general law municipality to annex property without the consent of the voters in the area if the city has a population of at least 1,000 and is providing water and sewer service to the area to be annexed. The property to be annexed must not contain any unoccupied territory exceeding one acre for each service address.

Section-by-section analysis.

Section 1. Adds Section 43.033 to the Local Government Code and allows a general law city to annex adjacent territory so long as a city has a population of 1,000 or more, is not eligible to adopt a home rule charter, follows the procedural rules for annexation, is currently providing the territory to be annexed with water and sewer service, and adopts a service plan that provides police and fire protection within 10 days after annexation. Furthermore, the area to be annexed must not include

unoccupied territory for each water/sewer service address that exceeds one acre.

Section 2. Emergency clause

Rulemaking Authority

It is the opinion of this committee that this bill does not delegate any rulemaking authority to any state agency, officer, department, or institution.

Summary of Committee Action

Pursuant to notice posted in accordance with House Rules, H.B. 985 was considered in a public hearing on 4 March 1991. The Chair laid out the bill. Three people testified for the bill. One person appeared in favor of the bill. No one testified against the bill. The bill was referred to a subcommittee. Pursuant to notice posted in accordance with House Rules, the Subcommittee on H.B. 985 met on 3 April 1991. The chair laid out the bill. An amendment was adopted. A motion to report H.B. 985 as amended to the full Committee carried by a vote of 3 Ayes, 0 Nays, 0 PNV, and 1 Absent. On 17 April 1991, the Chair laid out the Subcommittee Report to the full Committee. The Subcommittee Report was adopted without objection. A motion to report H.B. 985 as amended favorably with the recommendation that it be placed on the Local and Consent Calendar carried by the following vote: 10 Ayes, 0 Nays, 0 PNV and 1 Absent.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE

March 4, 1991

TO: Honorable George Pierce, Chair
Committee on Urban Affairs
House of Representatives
Austin, Texas

IN RE: House Bill No. 985
By: Stiles

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Bill No. 985 (relating to the municipal annexation of territory by general law municipalities) this office has determined the following:

The bill would allow a municipality having a population of 1,000 or more to annex adjacent territory without the consent of any of the residents or voters of the area as long as the city is not eligible to adopt home-rule charter; the procedural rules of Chapter 43, Local Government Code are met; the municipality is providing the area with water and sewer service; the area does not include unoccupied territory in excess of one acre for each service address for water and sewer service; and the service plan requires that adequate police and fire protection must be provided to the area within 10 days after the effective date of the annexation.

Because the bill is permissive the fiscal implications to units of local government cannot be determined.

No fiscal implication to the State is anticipated.

Source: Comptroller of Public Accounts;
LBB Staff: JO, JWH, DF, PA

ADOPTED

MAY 17 1991

Betty Messing
Chief Clerk
House of Representatives

DSL

H.B. 985

~~By Stiles~~

Committee Amendment No. ①

M. Gallagher

relating to the municipal annexation of territory by general law municipalities.

Amend H.B. 985 on page 1, line 22 by striking the word "adequate" and on page 1, line 23 by adding the following between the words "protection" and "must":

"at a level consistent with protection provided within the municipality"

By Stiles

House Floor
Amendment No. 2 by

Aul

1 Amend H.B. 985 by adding a Section (6) to read as
2 follows:

3 "(6) the municipality and the affected landowners have
4 not entered an agreement to not annex the area for a certain
5 time period."

6 Amend H.B. 985 on page 1, line 8 by inserting an "(a)"
7 between the period and the word "A" and by adding a Section
8 (b) to read as follows:

9 "(b) If, after one year but before three years from the
10 passage of an ordinance annexing an area under this section, a
11 majority of the landowners or registered voters in the area
12 vote by petition submitted to the municipality for
13 disannexation, the municipality shall immediately disannex the
14 area. If the municipality disannexes the area under this
15 section, the municipality may discontinue providing the area
16 with water and sewer service."

ADOPTED

MAY 17 1982

Betty Manning
Chief Clerk
House of Representatives

91 MAY 19 PM 6:19

HOUSE OF REPRESENTATIVES

**/ ENGROSSED
SECOND READING**

By Stiles

H.B. No. 985

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(5) the service plan requires that police and fire protection at a level consistent with protection provided within the municipality must be provided to the area within 10 days after the effective date of the annexation; and

1 (6) the municipality and the affected landowners have
2 not entered an agreement to not annex the area for a certain time
3 period.

4 (b) If, after one year but before three years from the
5 passage of an ordinance annexing an area under this section, a
6 majority of the landowners or registered voters in the area vote by
7 petition submitted to the municipality for disannexation, the
8 municipality shall immediately disannex the area. If the
9 municipality disannexes the area under this subsection, the
10 municipality may discontinue providing the area with water and
11 sewer service.

12 SECTION 2. The importance of this legislation and the
13 crowded condition of the calendars in both houses create an
14 emergency and an imperative public necessity that the
15 constitutional rule requiring bills to be read on three several
16 days in each house be suspended, and this rule is hereby suspended.

HOUSE ENGROSSMENT

91 MAY 21 AM 12:33

HOUSE OF REPRESENTATIVES

By Stiles

H.B. No. 985

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LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE

March 4, 1991

TO: Honorable George Pierce, Chair
Committee on Urban Affairs
House of Representatives
Austin, Texas

IN RE: House Bill No. 985
By: Stiles

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Bill No. 985 (relating to the municipal annexation of territory by general law municipalities) this office has determined the following:

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Because the bill is permissive the fiscal implications to units of local government cannot be determined.

No fiscal implication to the State is anticipated.

Source: Comptroller of Public Accounts;
LBB Staff: JO, JWH, DF, PA

1 By: Stiles (Senate Sponsor - Lucio) H.B. No. 985
2 (In the Senate - Received from the House May 21, 1991;
3 May 21, 1991, read first time and referred to Committee on State
4 Affairs; May 22, 1991, rereferred to Committee on Intergovernmental
5 Relations; May 23, 1991, reported favorably by the following vote:
6 Yeas 8, Nays 0; May 23, 1991, sent to printer.)

7 COMMITTEE VOTE

	Yea	Nay	PNV	Absent
8 Whitmire	x			
9 Leedom	x			
10 Armbrister				x
11 Bivins	x			
12 Brown				x
13 Ellis	x			
14 Lucio	x			
15 Moncrief	x			
16 Sibley				x
17 Tejada	x			
18 Turner	x			

20 A BILL TO BE ENTITLED
21 AN ACT

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33 and is not eligible to adopt a home-rule charter;

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35 are met;

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37 water and sewer service;

38 (4) the area does not include unoccupied territory in
39 excess of one acre for each service address for water and sewer
40 service;

41 (5) the service plan requires that police and fire
42 protection at a level consistent with protection provided within
43 the municipality must be provided to the area within 10 days after
44 the effective date of the annexation; and

45 (6) the municipality and the affected landowners have
46 not entered an agreement to not annex the area for a certain time
47 period.

48 (b) If, after one year but before three years from the
49 passage of an ordinance annexing an area under this section, a
50 majority of the landowners or registered voters in the area vote by
51 petition submitted to the municipality for disannexation, the
52 municipality shall immediately disannex the area. If the
53 municipality disannexes the area under this subsection, the
54 municipality may discontinue providing the area with water and
55 sewer service.

56 SECTION 2. The importance of this legislation and the
57 crowded condition of the calendars in both houses create an
58 emergency and an imperative public necessity that the
59 constitutional rule requiring bills to be read on three several
60 days in each house be suspended, and this rule is hereby suspended.

* * * * *

Austin, Texas
May 23, 1991

Hon. Bob Bullock
President of the Senate

Sir:

We, your Committee on Intergovernmental Relations to which was referred H.B. No. 985, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

Whitmire, Chairman

**FAVORABLE
SENATE COMMITTEE REPORT ON**

SB SCR SJR SR HB HCR HJR 985

By Stiles / Lucio
(Author/Senate Sponsor)

5/23/91
(date of submission to Senate)

Lt. Governor Bob Bullock
President of the Senate

Sir:

We, your Committee on Intergovernmental Relations, to which was referred the attached measure,
have on 5/23/91, had the same under consideration and I am instructed to report it
(date of hearing)
back with the recommendation (s) that it:

☒ do pass and be printed

☐ do pass and be ordered not printed

☒ and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☒ yes ☐ no

A revised fiscal note was requested. ☐ yes ☒ no

An actuarial analysis was requested. ☐ yes ☒ no

Considered by subcommittee. ☐ yes ☒ no

The measure was reported from Committee by the following vote:

	YEA	NAY	ABSENT	PNV
Whitmire, Chairman	<input checked="" type="checkbox"/>			
Leedom, Vice Chairman	<input checked="" type="checkbox"/>			
Armbrister			<input checked="" type="checkbox"/>	
Bivins	<input checked="" type="checkbox"/>			
Brown			<input checked="" type="checkbox"/>	
Ellis	<input checked="" type="checkbox"/>			
Lucio	<input checked="" type="checkbox"/>			
Moncrief	<input checked="" type="checkbox"/>			
Sibley			<input checked="" type="checkbox"/>	
Tejeda	<input checked="" type="checkbox"/>			
Turner	<input checked="" type="checkbox"/>			
TOTAL VOTES	8	0	3	0

COMMITTEE ACTION

~~S260~~ Considered in public hearing

~~S270~~ Testimony taken

Diana Geller
COMMITTEE CLERK

John Whitmire
CHAIRMAN

Paper clip the original and one copy of this signed form to the original bill
Deliver one copy of this form to the Calendar Clerk, Room 218 Capitol
Deliver one copy of this form to the Legislative Reference Library, Room 207B Capitol
Retain one copy of this form for Committee files

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE

May 23, 1991

TO: Honorable John Whitmire, Chairman
Committee on Intergovernmental
Relations
Senate Chamber
Austin, Texas

IN RE: House Bill No. 985, as engrossed
By: Stiles

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Bill No. 985, as engrossed (relating to the municipal annexation of territory by general law municipalities) this office has determined the following:

Because the bill is permissive, the fiscal implications to units of local government cannot be determined.

No fiscal implication to the State is anticipated.

Source: Comptroller of Public Accounts;
LBB Staff: JO, JWH, DF, AS

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE

March 4, 1991

TO: Honorable George Pierce, Chair
Committee on Urban Affairs
House of Representatives
Austin, Texas

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By: Stiles

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Source: Comptroller of Public Accounts;
LBB Staff: JO, JWH, DF, PA

TAG FORM

MAY 23 A 9: 23

5/23/91
Date

Austin, Texas

To the Chairman of the Committee on Intergovernmental Relations

Pursuant to Senate Rule 11.20, I hereby request 48 hours advance notice in writing of the time and place of the hearing on H. B. No. 985.

Chris Harris

Give the original of this form to Calendar Clerk for placement on the bill, give one copy to the Secretary of the Senate's office, and one copy to the Chairman of the committee to which the bill was referred.

**REQUEST FOR LOCAL & UNCONTESTED CALENDAR
PLACEMENT**

Hon. Bill Haley, Chairman
Administration Committee

Sir:

Notice is hereby given that HB 985, by: Lucio,
(Bill No.) (author)
was heard by the Committee on FOR on 5/23 19 91,
and reported out with the recommendation that it be placed on the Local Uncontested Bills Calendar.

Diana Kelly
Clerk of the reporting committee

IMPORTANT: A COPY OF THIS FORM MUST BE ATTACHED TO A PRINTED COPY OF THE BILL OR RESOLUTION, WHICH ALONG WITH 14 ADDITIONAL COPIES OF THE BILL OR RESOLUTION SHOULD BE DELIVERED TO ROOM 419. DEADLINE FOR SUBMITTING BILLS FOR THE LOCAL CALENDAR IS 5:00 P.M. FRIDAY.

Paper clip the original to the bill; retain one copy for reporting committee files; deliver one copy to the bill sponsor.

F
ENROLLED
H.B. No. 985

1 AN ACT

2 relating to the municipal annexation of territory by general-law
3 municipalities.

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11 provided that the following conditions are met:

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13 and is not eligible to adopt a home-rule charter;

14 (2) the procedural rules prescribed by this chapter
15 are met;

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17 water and sewer service;

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19 excess of one acre for each service address for water and sewer
20 service;

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22 protection at a level consistent with protection provided within
23 the municipality must be provided to the area within 10 days after
24 the effective date of the annexation; and

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2 not entered an agreement to not annex the area for a certain time
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4 (b) If, after one year but before three years from the
5 passage of an ordinance annexing an area under this section, a
6 majority of the landowners or registered voters in the area vote by
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13 crowded condition of the calendars in both houses create an
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15 constitutional rule requiring bills to be read on three several
16 days in each house be suspended, and this rule is hereby suspended.

H.B. No. 985

President of the Senate

Speaker of the House

I certify that H.B. No. 985 was passed by the House on May 20, 1991, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 985 was passed by the Senate on May 26, 1991, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED:

Date

Governor

President of the Senate

Speaker of the House

I certify that H.B. No. 985[✓] was passed by the House
(1)
on May 20[✓], 1991, by a non-record vote.
(2)

Chief Clerk of the House

I certify that H.B. No. 985[✓] was passed by the Senate
on May 26[✓], 1991, by the following vote:
(3)
Yeas 31[✓], Nays 0[✓]
(4) (5)

Secretary of the Senate

APPROVED:

Date

Governor

**** Preparation: CT27;

H. B. No. 985

By Stiles

A BILL TO BE ENTITLED
AN ACT

relating to the municipal annexation of territory by
general law municipalities.

MAY 7 1991
LAI D ON TABLE
SUBJECT TO CALL

FEB 13 1991

1. Filed with the Chief Clerk.

FEB 25 1991

2. Read first time and Referred to Committee on

Urban Affairs

APR 17 1991

3. Reported ☒ favorably (as amended) and sent to Printer at 4:40pm
(as substituted) APR 30 1991

MAY 1 1991

4. Printed and distributed at 9:24p

MAY 2 1991

5. Sent to Committee on Calendars at UTC 3:28pm

MAY 17 1991

6. Read second time (amended); passed to third reading (failed) by (Non-Record Vote)
(Record Vote of yeas, nays, present, not voting).

7. Motion to reconsider and table the vote by which H.B. was ordered
engrossed prevailed (failed) by a (Non-Record Vote) (Record Vote of yeas,
 nays, and present, not voting).

8. Constitutional Rule requiring bills to be read on three several days suspended (failed
to suspend) by a four-fifths vote of yeas, nays, and
present, not voting.

MAY 20 1991

9. Read third time (amended); finally passed (failed) by (Non-Record Vote) (Record Vote
of yeas, nays, present, not voting).

10. Caption ordered amended to conform to body of bill.

11. Motion to reconsider and table the vote by which H. B. was finally passed
prevailed (failed) by a (Non-Record Vote) (Record Vote of yeas,
nays, and present, not voting).

MAY 20 1991

12. Ordered Engrossed at 4:45pm

MAY 21 1991

13. Engrossed.

MAY 21 1991

14. Returned to Chief Clerk at 12:33a

MAY 21 1991

15. Sent to Senate.

Betty Munsey
Chief Clerk of the House

MAY 21 1991

16. Received from the House

MAY 21 1991

MAY 22 1991

MAY 23 1991

17. Read, referred to Committee on State Affairs
Referred to Intergov. Rel.

18. Reported favorably

19. Reported adversely, with favorable Committee Substitute; Committee Substitute read
first time.

20. Ordered not printed.

21. Regular order of business suspended by
(a viva voce vote.)
 yeas, nays.)

SA

91 MAY 21 AM 12:33

HOUSE OF REPRESENTATIVES

_____ 22. To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of _____ yeas, _____ nays.

MAY 26 1991

Laid before Senate

23. Read second time _____ passed to third reading by: (a viva voce vote.) yeas, _____ nays.)

_____ 24. Caption ordered amended to conform to body of bill.

MAY 26 1991

25. Senate and Constitutional 3-Day Rules suspended by vote of 31 yeas, 0 nays to place bill on third reading and final passage.

MAY 26 1991

26. Read third time and passed by (a viva voce vote.) 31 yeas, _____ nays.)

OTHER ACTION: OTHER ACTION: *Betty King*
Secretary of the Senate

5-26-91 27. Returned to the House.

MAY 26 1991 28. Received from the Senate (with amendments.)
(amended.)

_____ 29. House (Concurred) (Refused to Concur) in Senate (Amendments) by a (Non-Record
(Substitute) Vote) (Record Vote of _____ yeas, _____ nays, _____ present, not voting).

_____ 30. Conference Committee Ordered.

_____ 31. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, and _____ present, not voting).

MAY 26 1991 32. Ordered Enrolled at 3:45 pm

HOUSE OF REPRESENTATIVES

61:9 PM 61 MAY 16

HOUSE OF REPRESENTATIVES

91 MAY -1 PM 9:24

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